

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LANDSCAPE CONSULTANTS OF TEXAS,
INC.,

Plaintiff,

v.

HARRIS COUNTY, TEXAS; and the HARRIS
COUNTY COMMISSIONERS COURT,

Defendants.

Civil Action No. 4:25-cv-00479

**NOTICE OF DISMISSAL
WITHOUT PREJUDICE OF
DEFENDANT HARRIS COUNTY
COMMISSIONERS COURT**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff Landscape Consultants of Texas, Inc., hereby voluntarily dismisses without prejudice its case in its entirety as to Defendant Harris County Commissioners Court. In support of this dismissal, Plaintiff states the following:

1. Fed. R. Civ. P. 41(a)(1)(A)(i) permits plaintiffs to voluntarily dismiss an action without court order by filing a notice of dismissal before the opposing party serves either an answer or motion for summary judgment.
2. The Fifth Circuit interprets Rule 41(a)(1)(A) to permit the dismissal of individual defendants. *See Williams v. Seidenbach*, 958 F.3d 341, 345 (5th Cir. 2020); *Nat'l City Golf Fin. v. Scott*, 899 F.3d 412, 415 n.3 (5th Cir. 2018).
3. Plaintiff filed its Complaint in this case against Defendants Harris County, Texas, and Harris County Commissioners Court on February 5, 2025. Dkt. 1.
4. Defendant Harris County Commissioners Court filed a Motion to Dismiss on April 14, 2025. Dkt. 15.

5. Defendant Harris County Commissioners Court has not filed an answer or motion for summary judgment in this case.
6. This voluntary dismissal does not alter or in any way affect Plaintiff's claims against Defendant Harris County.

Accordingly, Plaintiff notices the voluntarily dismissal of Defendant Harris County Commissioners Court in this action, without prejudice. *See* Fed. R. Civ. P. 41(a)(1)(B).

DATED: May 5, 2025.

Respectfully submitted,

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**Pro Hac Vice*

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2025, I served this document to all counsel of record via the Court's electronic filing system.

/s/ Erin E. Wilcox

Erin E. Wilcox
Pacific Legal Foundation

Counsel for Plaintiff